

IN THE COUNTY LEGISLATURE OF JACKSON COUNTY, MISSOURI

AN ORDINANCE repealing section 664. Jackson County Code, 1984 relating to minority- and women-owned business enterprise programs, and enacting, in lieu thereof, one new section relating to the same subject.

ORDINANCE NO. 5107, June 25, 2018

INTRODUCED BY Alfred Jordan, Scott Burnett, Garry J. Baker, Crystal Williams, Tony Miller, Dennis Waits, Dan Tarwater III, Greg Grounds, and Theresa Galvin, County Legislators

WHEREAS, by Ordinance 4636, dated June 30, 2014, the Legislature did authorize the adoption of an interim minority- and women-owned business enterprise (MBE/WBE) program; and,

WHEREAS, Ordinance 4636, as codified in section 664 of the Jackson County Code, directed that on or before the sunset date of December 31, 2017, reports be compiled and reviewed to determine whether the County has a compelling interest in continuing narrowly tailored remedies to redress discrimination against MBEs or WBEs so that the County will not function as a passive participant in a discriminatory marketplace; and,

WHEREAS, section 664 also directed that qualified experts be retained to prepare a disparity study regarding the existence and effects of any history of discrimination in contracting; and,

WHEREAS, on August 9, 2017, the County's retained expert, Colette Holt and Associates, presented its report to the County; and,

WHEREAS, by ordinances 5059, dated December 4, 2017, and 5087, dated March 19, 2018, the sunset date of the interim ordinance was extended to allow additional time to review these reports and draft an appropriate permanent ordinance; and,

WHEREAS, an additional, brief extension of this sunset date is in the best interests of the health, welfare, and safety of the citizens of Jackson County; now therefore

BE IT ORDAINED by the County Legislature of Jackson County, Missouri, as follows:

Section A. Enacting Clause. Section 664., Jackson County Code, 1984, is hereby repealed, and one new section enacted in lieu thereof, to be known as section 664., to read as follows:

664. Interim Program Review and Sunset.

664.1 The County Legislature shall receive quarterly and annual reports from the CRO detailing the County's performance under this chapter.

664.2 The County Legislature will review these reports, including the County's progress toward eliminating discrimination in its contracting activities and marketplace.

664.3 The County will retain qualified experts to develop evidence to assist the County in evaluating whether it has a continuing compelling interest in remedying discrimination against MBEs and WBEs in its construction marketplace, and the permissible scope of any narrowly tailored remedies.

664.4 On or before the sunset date of this chapter, the County shall review the results of this evidence gathering, to determine whether it has a compelling interest in continuing narrowly tailored remedies to redress discrimination against MBEs or WBEs so that the County will not function as a passive participant in a discriminatory marketplace.

664.5. Sections 601. through 664. of this chapter shall sunset on **[June 30]** July 31, 2018.

Effective Date: This Ordinance shall be effective immediately upon its passage by the County Executive.

APPROVED AS TO FORM:


Chief Deputy County Counselor


County Counselor

I hereby certify that the attached Ordinance, Ordinance No. 5107 introduced on June 25, 2018, was duly passed on June 25, 2018 by the Jackson County Legislature. The votes thereon were as follows:

Yeas 9


Nays 0

Abstaining 0

Absent 0

This Ordinance is hereby transmitted to the County Executive for his signature.

6/25/18
Date


Mary Jo Spino, Clerk of Legislature

I hereby approve the attached Ordinance No. 5107

6/25/2018
Date


Frank White, Jr., County Executive